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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RANDY A. SCALES,

 Plaintiff,

 v.

P. AGWARA, et al.,

 Defendants.

No. 2:17-cv-1004-EFB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. By order filed May 3, 2018, the court found that plaintiff had stated a potentially cognizable claim for Eighth Amendment deliberate indifference to serious medical needs against defendants Buckner, Frangos, and Agwara. ECF No. 8. The court informed plaintiff he could proceed as to those defendants only or file an amended complaint within 30 days to cure the defects in his remaining claims, including the claims against defendants Villanueva and Ferruolo. *Id.* The time for amending has passed and plaintiff has elected to proceed only with the claim against defendants Buckner, Frangos, and Agwara. *See* ECF No. 11.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly assign a United States District Judge to this action.

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Further, IT IS HEREBY RECOMMENDED that plaintiff's claims against defendants Villanueva and Ferruolo be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

Dated: June 7, 2018.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE